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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/280,796	03/26/1999	CECILIA CARRANZA LEWIS	SA9-98-116	6345

7590

06/25/2003

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EXAMINER

VITAL, PIERRE M

ART UNIT

PAPER NUMBER

2188

DATE MAILED: 06/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/280,796

Applicant(s)

LEWIS ET AL.

Examiner

Pierre M. Vital

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 8-12, 15 and 17 is/are allowed.
- 6) ☒ Claim(s) 5-7, 12-14, 16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 3, 2003 has been entered.

Response to Amendment

2. This Office Action is in response to applicant's communication filed June 3, 2003 in response to PTO Office Action mailed March 27, 2003. The Applicant's remarks and amendments to the claims and/or the specification were considered with the results that follow.

3. Claims 1-18 have been presented for examination in this application. In response to the last Office Action, claims 1 and 8 have been amended. No claims have been canceled or added. As a result, claims 1-18 are now pending in this application.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 5-7, 12-14, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Campbell et al. (US5,813,042).

As per claims 5 and 12, Campbell discloses a buffer management system comprising a buffer pool (i.e., *storage units*) further comprised of an amount of fixed storage configured for memory paging (i.e., *paging system*) and an amount of virtual storage (i.e., *pageable*) configured for memory paging [col.6, lines 10-31]; and a buffer manager for dynamically varying the amount of fixed storage and the amount of virtual storage (i.e., *changing the state from fixed to pageable and /or back to fixed*) based on a comparison of present usage of the amount of fixed storage and the amount of virtual storage to target values (i.e., *determining the level of usage*) [col.3, line 50 – col. 4, line 4; col. 4, lines 32-45]; a buffer pool comprising a plurality of buffers logically partitioned into three states: fixed, pageable and released and each of the buffers in the buffer pool resides in a state comprising one of said logical partitions (*storage unit states including fixed, pageable or don't care are associated with each storage unit*) [col.4, lines 14-32].

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As per claims 6 and 13, Campbell discloses a buffer index table comprising buffer index elements wherein each entry represents one buffer in the pool [col. 6, lines 23-28].

As per claims 7 and 14, Campbell discloses said buffer index elements further comprise a buffer state information field which represents the logical partition where the buffer resides and a pointer filed to the next available buffer in the same state within the buffer pool [col.6, lines 28-31].

As per claims 16 and 18, Campbell discloses testing whether a buffer resides in physical memory [col.6, lines 39-43].

Allowable Subject Matter

6. Claims 1-4, 8-12, 15 and 17 are allowed over the prior art of record.

7. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not teach or suggest "a target maximum fixed value and a target maximum virtual value dynamically alterable by a system administrator and used to dynamically vary the amount of fixed storage and the amount of virtual storage based on comparison with these target values" in combination with the other elements set forth in the claimed invention.

Response to Arguments

8. Applicant's arguments filed February 24, 2003 have been fully considered but they are not persuasive. As to the remarks, applicant(s) asserted that:

Campbell does not does not disclose or suggest the use of "target values", set by user or system administrator as to adjust buffers between fixed and virtual storage; and dynamically modifying the management means.

Examiner respectfully traverses applicant(s)'s arguments for the following reasons. Examiner would like to emphasize that in the buffer management of Campbell is similar to that claimed by applicant(s). Campbell discloses that the state of each page of the buffer changes from fixed to pageable in response to a user's request by determining the level of usage (target values) of the storage as disclosed in column 3, lines 58-60 and col. 4, lines 33-43. Thus, the target values claimed by applicant as well as the level of usage of Campbell is nothing more than a threshold (*i.e., level, value or point*) used to determine or adjust or change the state of the buffer. As such, Campbell dynamically modifies the management means.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (*i.e., what the target values refer to, if different than the level of usage or a threshold; and dynamically modifying the management means*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from

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the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre M. Vital whose telephone number is (703) 306-5839. The examiner can normally be reached on Mon-Fri, 8:30 am - 6:00 pm, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (703) 305-3821. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.



Pierre M. Vital
June 17, 2003